



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 10-850
May 13, 2010

**PETITION OF QWEST CORPORATION FOR FORBEARANCE PURSUANT
TO 47 U.S.C. § 160(C) IN THE PHOENIX, ARIZONA
METROPOLITAN STATISTICAL AREA**

**NUMBERING RESOURCE UTILIZATION AND FORECAST (NRUF) REPORTS
AND LOCAL NUMBER PORTABILITY (LNP) REPORTS TO BE PLACED INTO THE
RECORD, SUBJECT TO FIRST PROTECTIVE ORDER**

WC Docket No. 09-135
CC Docket No. 99-200

Comment Date: May 24, 2010

In this proceeding, Qwest Corporation (Qwest) has sought forbearance from certain regulatory obligations within its service footprint in the Phoenix-Mesa-Scottsdale, Arizona Metropolitan Statistical Area (MSA), pursuant to 47 U.S.C. § 160.¹ In connection with the Commission's review of the petition, the Commission may examine information contained in the Numbering Resource Utilization and Forecast (NRUF) reports filed by wireless telecommunications carriers and disaggregated, carrier-specific local number portability (LNP) data related to wireless telecommunications carriers.² These data may assist the Commission in examining competition in the Phoenix marketplace. Accordingly, subject to the provisions of the *First Protective Order* adopted in this proceeding,³ the Commission intends to place into the record in this proceeding the following data for the Phoenix MSA: (1) NRUF reports for all wireless telecommunications carriers as of December 31, 2009 and (2) LNP data involving all wireless

¹ Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Phoenix, Arizona Metropolitan Statistical Area, WC Docket No. 09-135 (filed Mar. 24, 2009) (requesting forbearance from certain unbundling, dominant carrier, and *Computer III* requirements).

² See 47 C.F.R. § 1.907. Section 251 of the Communications Act grants the Commission jurisdiction over the North American Numbering Plan (NANP) and related telephone numbering issues. In order to better monitor the way numbering resources are used within the NANP and efficiently allocate NANP resources, the Commission requires telecommunications carriers to provide the Commission with a utilization report of their current inventory of telephone numbers and a five-year forecast of their numbering resource requirements. See *Numbering Resource Optimization*, CC Docket No. 99-200, Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 7574, 7578-79, para. 5 (2000) (*Numbering Resource Order*). LNP data are collected by the LNP Administrator, which currently is NeuStar, Inc., and are provided to the Commission.

³ *Petition of the Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Phoenix, Arizona Metropolitan Statistical Area*, WC Docket No. 09-135, First Protective Order, 24 FCC Rcd 9503 (2009) (*First Protective Order*).

telecommunications carriers from the December 2009 LNP databases that the Commission receives from NeuStar, Inc.

The Commission has recognized that disaggregated, carrier-specific forecast and utilization data should be treated as confidential and should be exempt from public disclosure under 5 U.S.C. § 552(b)(4).⁴ The NRUF and LNP reports are being placed into the record subject to the provisions of the *First Protective Order*. As such, the NRUF and LNP data will not be available to the public except pursuant to the terms of the *First Protective Order*, as outlined below.

Persons seeking to review the particular NRUF or LNP data may do so only for purposes of participating in this proceeding. Pursuant to the *First Protective Order*, persons participating or intending to participate in the proceeding who are not involved in the competitive decision-making activities and who have signed the Acknowledgement of Confidentiality attached to the *First Protective Order* may review the NRUF and LNP data. We emphasize that persons seeking to review the NRUF or LNP data must have adequate protections in place to prevent improper use or disclosure of that data.

Affected persons have until **May 24, 2010** to oppose the disclosure of their NRUF and LNP data that is described in this Public Notice. In addition, pursuant to the *First Protective Order*, affected persons will have five days after the filing of an Acknowledgement of Confidentiality to object to the release of the data to a particular person who requests permission to review it.⁵

If the Commission receives no opposition from affected persons by **May 24, 2010**, the Commission will place the NRUF and LNP data into the public record subject to the safeguards contained in the *First Protective Order*. If disclosure is opposed, the procedures set forth in 47 C.F.R. § 0.461(i) shall apply. All filings should refer to WC Docket No. 09-135.

Under the Commission's current procedures for the submission of filings and other documents,⁶ submissions in this matter may be filed electronically (*i.e.*, through ECFS) or by hand delivery to the Commission.

- **If filed by ECFS,**⁷ comments shall be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket number. Parties may also submit an electronic comment by Internet e-mail. Parties are reminded that unredacted comments and other material containing confidential information may not be filed electronically.
- **If filed by paper,** the original and four copies of each filing must be filed by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail.

⁴ *Numbering Resource Order*, 15 FCC Rcd at 7607, para. 78.

⁵ Due to the 10 day period to object to the Commission's placement of the NRUF and LNP data into the record in this proceeding, affected persons will have 10 days to object to the release of this data to any person who already has signed the *First Protective Order*.

⁶ See *Implementation of Interim Electronic Filing Procedures for Certain Commission Filings*, Order, 16 FCC Rcd 21483 (2001); *FCC Announces Change in Filing Location for Paper Documents*, Public Notice, 24 FCC Rcd 14312 (2009).

⁷ See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998).

All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

One copy of each pleading must be delivered electronically, by e-mail or facsimile, or, if delivered as paper copy, by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (according to the procedures set forth above for paper filings), to: (1) the Commission's duplicating contractor, Best Copy and Printing, Inc., at 445 12th St., SW, Room CY-B402, Washington, DC 20554, fcc@bcpiweb.com, or (202) 488-5563 (facsimile) and (2) Gary Remondino, Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 5-C143, Washington, D.C. 20554. His e-mail address is gary.remondino@fcc.gov; his telephone number is (202) 418-2298.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

For further information, contact Denise Coca, Wireline Competition Bureau, (202) 418-0574 or Tim Stelzig, Wireline Competition Bureau, (202) 418-0942.

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